

# Notice of Allowability

Application No.

09/741,912

Examiner

Andrew Graham

Applicant(s)

MIYASAKA ET AL.

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment, 7/13/05.
2. ☒ The allowed claim(s) is/are 1,3,6-8,10,12 and 15-17.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Andrew Graham  
571-272-7517

Art Unit: 2644

**DETAILED ACTION**

***Specification***

1. The changes made in regards to the word "parallel" on page 5, line 20 are acknowledged and approved. The previous relevant objection is hereby withdrawn.

***Claim Rejections - 35 USC § 112***

2. The amendments made to Claims 10 and 18 in view of the previous rejections made under 35 U.S.C. 112 are sufficient to overcome the grounds of the previous rejections. Accordingly, said previous rejections to the currently pending Claims 10-12 and 15-17 are hereby withdrawn.

**EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Randolph Smith on September 20, 2005.

The application has been amended as follows:

**Claims 21 and 22 have been cancelled.**

Art Unit: 2644

***Allowable Subject Matter***

4. Claims 1, 3, 6-8, 10, 12 and 15-17 are allowed.

For purposes of issue, these claims have been respectively renumbered 1, 5, 2-4, 6, 10, and 7-9.

5. The following is an examiner's statement of reasons for allowance:

The applicant's arguments, at least with respect to the lack of motivation for combining the prior art of record to arrive at the claimed invention(s), are persuasive. While various elements and concepts of the claimed, as presently amended, are taught by the prior art of record, the examiner has found neither a reference in said prior art that teaches in its entirety, nor a combination of said prior art that collectively make obvious the limitations of each of the independent claims, when said claims are considered as a whole. Rao et al, similar to the applicant's admitted prior art, teaches two stages of audio encoding in parallel, but does not at least teach or suggest the parallel processing of the particular of said stages that involves encoding or decoding, when the pertinent limitations involves such processing are considered in view of each and every other limitation of said independent claims. The IBM Technical Disclosure reference teaches the use of parallel components for a compression or decompression stage, but does not teach or suggest the particular intra-stage timing relationship expressed in the claims for an additional stage executing a frequency spectrum conversion process,

Art Unit: 2644

when the pertinent limitations involved with such a timing relationship are considered in view of each and every other limitation of said independent claims. The reference of Ahamed teaches the concept of a pipeline with various combinations of stages of parallel and serial processors, but is also at least lacking suggestion or motivation for implementing the particular stages with the particular processed as described in the pertinent claim language, again, when such language is considered in view of each and every other limitation of said independent claims. So far as the above teachings and/or motivation are lacking from the prior art of record and expressed in the independent claims, said independent claims are considered herein allowable, as are the dependent claims, for at least the same reason(s).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Rao et al (USPN 5960401) discloses an audio decoding system that involves two processors for parallel processing of the two major stages of a decoding algorithm.

Art Unit: 2644

"Effective INTER-Parallel Schemes for Compression/Decompression Speed-Up", IBM Technical Disclosure Bulletin, April 1997. Vol. 40, Issue 4, pp 157-165. discloses a manner for achieving higher throughput in the implementation of compression and decompression algorithms.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Graham whose telephone number is 571-272-7517. The examiner can normally be reached on Monday-Friday (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached at 571-272-7848. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

Application/Control Number: 09/741,912

Page 6

Art Unit: 2644

Andrew Graham

Examiner

A.U. 2644

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September 21, 2005